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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,581	03/16/2001	Leo J. Campbell	08049.0005	5903

22852 7590 02/18/2005

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT PAPER NUMBER

2155

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/809,581

Applicant(s)

CAMPBELL ET AL.

Examiner

Benjamin R Bruckart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) 1-17, 28-49, 60-68, 71-75 and 78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 18-27, 50-59, 69, 70, 76 and 77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20040901, 20040625
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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***Detailed Action***

Claims 1-78 are pending in this Office Action.

Claims 1-17, 28-49, 60-68, 71-75 and 78 are withdrawn from consideration.

***Election/Restrictions***

Applicant's election with traverse of Group VI (claims 23-27, 55-59, 70 and 77) in the reply filed on 1/5/06 is acknowledged. The traversal is on the ground(s) that the restriction between Groups V and VI is improper. This is found persuasive and the examiner will prosecute Groups V and VI.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Information Disclosure Statement***

The information disclosure statements filed on 9/1/04, 6/25/05 have been considered.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In claim 1, the applicant claims a communications network with software modules but does not define within the body of the claim the hardware in which the invention runs. The file system is treated as operating system software as described in the specification and the machine user is not a part of the invention, just an entity in which it communicates with. In claim 12, the web site is directed to a plurality of software modules but there is no hardware in which the software runs.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 18-20, 22-25, 27; 50-52, 54-57, 59; 69-70; 76-77 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,805,810 by Maxwell.**

Regarding claim 18, a method for delivering a message to a user with an electronic account (Maxwell: col. 4, lines 16-29; col. 9, lines 50-52), comprising the steps of:

receiving the message directed to the user with the electronic account (Maxwell: col. 9, lines 48-66), where the message includes an electronic address and an incomplete physical address of the user (Maxwell: col. 9, lines 55-62; col. 10, lines 5-14; col. 11, lines 2-6);

determining a complete physical address of the user from the electronic address using an address database (Maxwell: col. 9, lines 63- col. 10, line 10); and

delivering the message to the user (Maxwell: col. 4, lines 30-42).

Regarding claim 19, the method of claim 18, further comprising the step of: delivering the message to the user at the electronic address (Maxwell: col. 9, lines 60; 'mom@netgram.com'; col. 2, lines 9-19).

Regarding claim 20, the method of claim 18, further comprising the step of: delivering the message to the user at the physical address (Maxwell: col. 4, lines 30-42).

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Regarding claim 22, the method of claim 18, wherein the address database is a United States Postal Service address database (Maxwell: col. 9, lines 25-26, lines 63- col. 10, line 14).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 21, 26, 53, 58 are rejected under 35 U.S.C. 103(a) as being obvious by U.S. Patent No. 5,805,810 by Maxwell in view of U.S. Patent No. 5,341,505 by Whitehouse.**

Regarding claim 21,

The Maxwell reference teaches the method for delivering a message to a user with an electronic account.

The Maxwell reference does not explicitly state sending back information of a complete physical address.

The Whitehouse reference teaches sending back information of a complete physical address (Whitehouse: col. 6, lines 52-58).

The Whitehouse reference further teaches the invention removes the last barrier for automation providing quick, easy, and low cost lookup for complete address information (Whitehouse: col. 5, lines 57- col. 6, line 5).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of delivering a message as taught by Maxwell while informing the sender of a complete address as taught by Whitehouse in order to remove the last barrier for automation providing quick, easy, and low cost lookup for complete address information (Whitehouse: col. 5, lines 57- col. 6, line 5).

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Claims 23-27; 50-59; 69-70; 76-77 map directly to claims 18-22 are therefor rejected along the same lines. While the examiner recognizes the differences between a method, system, and computer usable medium, the examiner equates these to the software, features of the software, and hardware embodiment in which the code runs.

18	23	50	55	69	70	76	77
19	24	51	56				
20	25	52	57				
22	27	54	59				
21	26	53	58				

### *Prior Art*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Patent No. 6,285,777 issued to Kanevsky et al teaches internet assisted email which an email or letter is received and transmitted electronically and/or regular mail, directly applicable to independent claims and dependent claims 19, 20.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.

The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3982.

Benjamin R Bruckart

Examiner

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brb

2-4-05

BRB



**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**